

To: R8 ORC[R8_ORC@epa.gov]; R8 LEP[R8_LEP@epa.gov]
From: Logan, Paul
Sent: Fri 8/21/2015 2:23:46 PM
Subject: FW: ACTION REQUESTED BY: Wednesday, August 26: FY2015 Interim Contingency Liability Report
[August 2015 Memo to OGC+ORC.docx](#)
[Pending or Threatened Litigation Form 2015.doc](#)
[Cases Reported in 2014 No Longer Pending Form 2015.doc](#)
[Unasserted Claims and Assessments Form 2015.doc](#)
[Attachment 4](#)
[Attachment 3](#)
[Attachment 2](#)
[Attachment 1](#)

Nonresponsive

Per the email below, please notify me (if you work in ORC) or Andrea (if you work in LEP) by COB this Tuesday, August 25th if you are aware of a matter that may need to be reported on the Contingent Liability Report. Andrea and I will subsequently coordinate on any matters that may need to be reported, and ORC will provide information to OGC, as requested by the email below.

See the email below, and attachments, for further information on what matters may need to be reported.

Note that the materiality thresholds are low for potential FIFRA liabilities (\$14,600) and Pesticide Registration Improvement Act liabilities (\$3,300), but high for all other potential liabilities, including Superfund (\$2.4 million).

Attorney Client/Ex. 5

Paul Logan

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From: Packard, Elise

Sent: Thursday, August 20, 2015 3:28 PM

To: OGC ASSOCIATES; OGC RCs and DRCs; OGC ASSISTANTS; Tyner, Lee; Rowland,

John; Hess, Stephen

Cc: Brown, KendraR

Subject: ACTION REQUESTED BY: Wednesday, August 26: FY2015 Interim Contingency Liability Report

Hi all,

CRFLO has taken over CCILO's job of coordinating OGC's annual Contingent Liability Report to the Office of the Chief Financial Officer. As always, I need your help to assemble the Report, and we are on a MUCH SHORTER deadline than usual. Attached is information to help you compile and submit the necessary information to me. Deadline: **COB Wednesday August 26.**

Instructions (new materiality thresholds):

See attachment entitled "August 2015 Memo to OGC + ORC."

Consistent with past practice, we report pending or threatened matters only if two conditions are met: (1) the likelihood of an unfavorable outcome is probable or reasonably possible; and (2) the amount exceeds the applicable materiality threshold. **In other words, if you believe the likelihood of an unfavorable outcome is "remote," then you do not need to report the pending or threatened litigation even if liability might exceed the materiality threshold.**

Forms: *See attached files: "Pending or Threatened Litigation Form 2014" and "Unasserted Claims and Assessments Form 2014" and "Cases Reported in 2013 No Longer Pending."*

Matters reported as "pending" in OGC's FY2014 Report to OCFO:

See attached files for Appvion; Bob's Home Service Landfill; Seaboard; and Trinity Marine.

By **COB Thursday August 26**, please submit to me **and Kendra Brown** the information for your law office (or send an email indicating that you have no responsive information). Please make your submissions electronically.

I ask the Law Offices and the Offices of Regional Counsel to coordinate with each other in order to include *within the Law Office's report* any litigation handled in the Region, even if the Region has the agency litigation lead. Therefore, I do not expect separate submissions from the Regions.

Thank you. Please don't hesitate to call me if you have any questions (or suggestions for improving this process).

Elise

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

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